

On page 1 strike line 25 and substitute the following: "chambers and meeting rooms, and other assistance as determined by the Committee on House Administration and the Senate Committee on Administration, to be used by the Silver-Haired".

The amendment was read.

Senator Parmer moved to concur in the House amendment.

The motion prevailed.

NOTICE OF SESSION TO HOLD LOCAL AND UNCONTESTED BILLS CALENDAR

Senator Blake announced that a Local and Uncontested Bills Calendar had been placed on the Members' desks and gave notice that a Local and Uncontested Bills Calendar would be held at 8:30 o'clock a.m. on Thursday, April 4, 1985, and that all bills and resolutions would be considered on second and/or third reading in the order in which they are listed.

MEMORIAL RESOLUTION

S.R. 276 - By Montford: Memorial resolution for Roy Forkner.

WELCOME AND CONGRATULATORY RESOLUTIONS

S.C.R. 106 - By Sarpalius: Proclaiming April 21 through April 27, 1985, as "State Hospice Week."

S.R. 272 - By Sharp: Commending Billy Maynard.

S.R. 273 - By Sharp: Commending June Pape.

S.R. 274 - By Sharp: Extending congratulations to Steve Best.

S.R. 275 - By Sharp: Extending congratulations to Stanley Smith.

S.R. 278 - By Brown: Extending welcome to Dr. John P. Morgan.

RECESS

On motion of Senator Brooks, the Senate at 12:31 o'clock p.m. took recess until 8:30 o'clock a.m. tomorrow.

FORTY-EIGHTH DAY

(Continued)

(Thursday, April 4, 1985)

AFTER RECESS

The Senate met at 8:30 o'clock a.m. and was called to order by Senator Blake.

MESSAGE FROM THE HOUSE

House Chamber
April 4, 1985

HONORABLE W. P. HOBBY
PRESIDENT OF THE SENATE

SIR: I am directed by the House to inform the Senate that the House has passed the following:

The House has adopted the Conference Committee Report on **H.B. 443** by a record vote of 140 ayes, 0 noes and one present not voting.

H.B. 149, Creating offenses involving the unauthorized use of the insignia and name of certain State law enforcement agencies or of insignia deceptively similar to that of certain law enforcement agencies.

H.B. 246, Relating to damages on dishonor of a check.

H.B. 373, Relating to notice of premium increases on group life, health and accident insurance.

H.B. 528, Relating to reimbursement for vaccinations given to certain governmental employees.

H.B. 729, Relating to the employment of a private investigator by the State Board of Morticians.

H.B. 823, Relating to certain requirements for licensure as a licensed vocational nurse.

H.B. 784, Relating to the levy, collection, and use of a junior college branch campus maintenance and capital expenditure tax.

Respectfully,

BETTY MURRAY, Chief Clerk
House of Representatives

CO-AUTHOR OF SENATE BILL 644

On motion of Senator Barrientos and by unanimous consent, Senator Washington will be shown as Co-author of **S.B. 644**.

LOCAL AND UNCONTESTED BILLS CALENDAR

The Presiding Officer (Senator Blake in Chair) announced that the time had arrived for consideration of the Local and Uncontested Bills Calendar.

The regular order of business having been suspended by provisions of **S.R. 8**, adopted by the 69th Legislature, the following bills/resolutions were laid before the Senate, read second time, passed to engrossment/third reading, read third time and passed: (Sponsor, vote on Constitutional Three-day Rule and final passage indicated after caption of each bill)

S.C.R. 71 (Washington) Granting Cornelius S. Cooper permission to sue the State. (vv)

S.C.R. 80 (Parker) Granting John A. Kozakis permission to sue the State. (vv)

S.C.R. 81 (Parker) Granting Stephen E. Avery permission to sue the State. (vv)

C.S.S.B. 231 (Montford) Relating to the application of commercial feed laws to cottonseed screenings and cotton plant by-products. (30-1) Washington "Nay" (31-0)

S.B. 551 (Farabee) Relating to the appointment of bailiffs for the 97th Judicial District. (30-1) Washington "Nay" (31-0)

S.B. 552 (Farabee) Relating to the terms of court in the 97th Judicial District. (30-1) Washington "Nay" (31-0)

S.B. 559 (Sarpalius) Relating to the labeling of agricultural and vegetable seed. (30-1) Washington "Nay" (31-0)

C.S.S.B. 590 (Farabee) Relating to the application of the Professional Prosecutors Act to certain prosecuting attorneys and to supplemental compensation for the district attorney of the 39th Judicial District. (30-1) Washington "Nay" (31-0)

S.B. 611 (Parker) Relating to ownership of library materials and equipment purchased with funds appropriated under the Library Systems Act; amending Section 15, Article 5446a, Vernon's Texas Civil Statutes. (30-1) Washington "Nay" (31-0)

C.S.S.B. 612 (Parker) Relating to limitations on the authority of the State Purchasing and General Services Commission to acquire materials and services for university systems or institutions of higher education. (30-1) Washington "Nay" (31-0)

S.B. 622 (Sarpalius) Relating to the compensation, staff, and office of the district attorney for the 69th Judicial District. (30-1) Washington "Nay" (31-0)

S.B. 641 (Krier) Relating to authorizing cities, towns and villages to use or permit certain uses of the right-of-way of certain public streets for trees and decorative landscaping, sidewalk cafes, ornamental entrance (30-1) Washington "Nay" (31-0)

Senator Krier offered the following committee amendment to the bill:

Committee Amendment No. 1

Amend **S.B. 641**, p. 6, line 8, by striking the period after "street" and adding the following:

" , nor to require any political subdivision of the State to obtain a permit to establish or maintain any improvement or facility which is otherwise authorized by law."

The committee amendment was read and was adopted.

Senator Krier offered the following committee amendment to the bill:

Committee Amendment No. 2

Amend **S.B. 641** by striking SECTION 4 in its entirety and substitute the following:

SECTION 4. No city shall be required to establish a permit program pursuant to this act. Any city may by ordinance establish a permit program under this act. Such ordinance shall include regulations the governing body of the city deems necessary or desirable for the protection of the public, and utility companies and other persons or firms having the right to use the public street at the site of the applicant's proposed facility. Such regulations may include, without limitation, construction, maintenance, operation and inspection requirements; requirements for indemnity agreements by abutting fee owners, which agreements shall be covenants running with the title of said abutting land; public liability insurance requirements; requirements for traffic and safety studies to be provided at the expense of the applicant or permittee; authority for the governing body to terminate the permit at its discretion, and without notice to the permittee; and provision for conducting public hearings on the issuance, renewal or revocation of permits, with notice and reporting expenses thereof to be borne by the applicant or permittee. Such regulations shall provide that the city or any utility company or other person authorized by the city may remove all or any part of any facility for which a permit has been issued without liability therefor in the event of lawful need for the site of

for access thereto, that all facilities or improvements shall comply with clearances required from structures to utility lines as provided in a nationally recognized building code, that the permittee shall provide a cash or surety bond in sum sufficient to cover the costs of removal of its facilities or improvements by the city or any public utility upon terms and in an amount which is approved by the city, and that the costs of any relocation of city facilities and improvements or public utility facilities and improvements within the public streets which may be associated with the installation of any permittee's authorized facilities and improvements shall be borne by the permittee. The renewal of any permit issued prior to the effective date of this act must comply with the provisions of this act. No city shall use or permit to be used any of its funds or employees with respect to a facility operated by permit, except for inspections or removal purposes.

The committee amendment was read and was adopted.

Senator Krier offered the following committee amendment to the bill:

Committee Amendment No. 3

Amend **S.B. 641** as follows:

add after the last word "suspended" on line 14 page 6 the words "and this act take effect and be in force from and after its passage, and it is so enacted."

The committee amendment was read and was adopted.

On motion of Senator Krier and by unanimous consent, the caption was amended to conform to the body of the bill as amended.

S.B. 701 (Mauzy) Relating to certain powers, duties, and procedures of the State Commission on Judicial Conduct and the discipline of judges. (30-1) Washington "Nay" (31-0)

S.B. 759 (Jones) Relating to the payment of taxes on appeal of a property tax determination. (30-1) Washington "Nay" (31-0)

S.B. 771 (Farabee) Relating to adjudication of claims arising from programs provided under the Texas Employees Uniform Group Insurance Benefits Act. (30-1) Washington "Nay" (31-0)

S.B. 783 (Williams) Relating to the establishment of a rural fire prevention district within the corporate or extraterritorial jurisdiction of a city. (30-1) Washington "Nay" (31-0)

S.B. 803 (Leedom) Relating to the cost of bedding stamps and the reporting frequency for exemption holders. (30-1) Washington "Nay" (31-0)

S.B. 805 (Traeger) Relating to the nonsubstantive codification of various laws omitted from enacted codes; conforming codes to Acts of the 68th Legislature; manner in which codes are cited. (30-1) Washington "Nay" (31-0)

Senator Traeger offered the following committee amendment to the bill:

Amend **S.B. 805** as follows:

(1) On page 55, between lines 25 and 26, insert new Sections 11 and 12 to read as follows and renumber existing Sections 11-14 as Sections 13-16:

SECTION 11. Section 201.073, Agriculture Code, is amended by adding Subsection (d) to read as follows:

(d) The Election Code does not apply to elections under this section.

SECTION 12. (a) Section 59.021, Property Code, is amended to read as follows:

Sec. 59.021. ~~[STATUTORY] LIEN; PROPERTY ATTACHED.~~ A lessor has a lien on all ~~[the]~~ property in a self-service storage facility for the payment of charges that are due and unpaid by the tenant.

(b) The titles of Subchapters B and C, Chapter 59, Property Code, are amended to read as follows:

SUBCHAPTER B. ~~[STATUTORY] LIEN~~

SUBCHAPTER C. ~~ENFORCEMENT OF [CONTRACTUAL LANDLORD'S] LIEN~~

(c) Section 59.022, Property Code, is transferred to Subchapter C of Chapter 59 and relettered as Section 59.041(a), and Section 59.041, Property Code, is amended to read as follows:

Sec. 59.041. ~~ENFORCEMENT OF [CONTRACTUAL LANDLORD'S] LIEN.~~ (a) Except as provided by Subsection (b) of this section, a ~~[Sec. 59.022. ENFORCEMENT OF STATUTORY LIEN. A]~~ lessor may enforce a lien under this chapter ~~[subchapter]~~ only under a judgment by a court of competent jurisdiction that forecloses the lien and orders the sale of the property to which it is attached.

(b) A lessor may enforce a ~~[contractual landlord's]~~ lien under this chapter by seizing and selling the property to which the lien is attached if:

(1) the seizure and sale are made under the terms of a contractual landlord's ~~[the]~~ lien as ~~[are]~~ underlined or printed in conspicuous bold print in a written rental agreement between the lessor and tenant; and

(2) the seizure and sale are made in accordance with this chapter.

(d) Section 59.042(b), Property Code, is amended to read as follows:

(b) If the tenant fails to satisfy the claim before ~~[until]~~ the 15th day after the day that the notice is delivered, the lessor must publish or post notices advertising the sale as provided by this subchapter.

(2) On page 55, line 26, strike "____B. No.____" and substitute "neither S.B. 813 nor H.B. 1489".

(3) On page 55, line 27, strike "does not become" and substitute "becomes".

(4) On page 56, line 14, strike "____B. No.____" and substitute "either S.B. 813 or H.B. 1489".

(5) On page 57, line 1, strike "10" and substitute "12".

(6) On page 57, line 4, strike "9" and substitute "12".

The committee amendment was read and was adopted.

On motion of Senator Traeger and by unanimous consent, the caption was amended to conform to the body of the bill as amended.

S.B. 809 (Traeger) Relating to the requirements that an organization must meet to qualify as a charitable organization exempt from property taxation. (30-1) Washington "Nay" (31-0)

S.B. 844 (Farabee) Relating to a medical advisory board within the Texas Department of Health to assist the Texas Department of Public Safety division of driver's licensing. (30-1) Washington "Nay" (31-0)

S.B. 908 (Jones) Relating to certain definitions and to procedures for determining the equality and uniformity of property taxes and to a property owner's remedies for unequal property tax appraisal. (30-1) Washington "Nay" (31-0)

S.B. 978 (Jones) Relating to the correction of certain errors in an appraisal roll. (30-1) Washington "Nay" (31-0)

C.S.S.B. 1009 (Santiesteban) Relating to the appointment of bailiffs for the district courts and county courts at law in El Paso County. (30-1) Washington "Nay" (31-0)

S.B. 1090 (Brown) Defining the term "system" as used in Chapter 10, Title 28, Revised Civil Statutes of 1925, as amended, in reference to the water, sewer, gas or electric utility systems of any town or city. (30-1) Washington "Nay" (31-0)

S.B. 1125 (Jones) Relating to the calculation and adoption of property tax rates; giving private right of action. (30-1) Washington "Nay" (31-0)

Senator Jones offered the following committee amendment to the bill:

Amend **S.B. 1125**, Section 3, by adding to the end of (d) of Section 26.05 of the Tax Code the following additional sentence:

"An action to enjoin the collection of taxes must be filed prior to the date a taxing unit delivers substantially all of its tax bills."

The committee amendment was read and was adopted.

On motion of Senator Jones and by unanimous consent, the caption was amended to conform to the body of the bill as amended.

C.S.S.B. 1132 (Mauzy) Relating to the types of property held by, the withdrawal of a unit of election from, and the letting of certain contracts by certain regional transportation authorities. (30-1) Washington "Nay" (31-0)

S.B. 1155 (Traeger) Relating to the required procedure for proceedings involving certain utilities. (30-1) Washington "Nay" (31-0)

C.S.S.B. 1172 (Farabee) Relating to the registration of business opportunity sellers. (30-1) Washington "Nay" (31-0)

H.B. 531 (Blake) Relating to the notice required for the revision of a subdivision plat. (30-1) Washington "Nay" (31-0)

RESOLUTION REMOVED FROM LOCAL AND UNCONTESTED BILLS CALENDAR

The following resolution was removed from the Local and Uncontested Bills Calendar:

Number
C.S.S.C.R. 70

Senators Objecting
Barrientos, Blake

MESSAGE FROM THE HOUSE

House Chamber
April 4, 1985

HONORABLE W. P. HOBBY
PRESIDENT OF THE SENATE

SIR: I am directed by the House to inform the Senate that the House has passed the following:

H.B. 143, Relating to the use of voting booths in elections.

H.B. 955, Relating to the allocation and dedication of certain revenue to

provide assistance for areas impacted by significant new national defense facilities and to the taxation of sales of materials used in the

Respectfully,

BETTY MURRAY, Chief Clerk
House of Representatives

MESSAGE FROM THE GOVERNOR

The following Message from the Governor was read and was referred to the Committee on Nominations:

Austin, Texas
April 4, 1985

TO THE SENATE OF THE SIXTY-NINTH LEGISLATURE, REGULAR SESSION:

I ask the advice, consent and confirmation of the Senate with respect to the following appointments:

TO BE A MEMBER OF THE LOWER COLORADO RIVER AUTHORITY:

For a term to expire February 1, 1991:

JACK LITTLEJOHN

Post Office Box 165

Carmine, Texas 78932

(Mr. Littlejohn is replacing Mr. E. B. "Tex" Mayer of La Grange, Fayette County, Texas, whose term expired.)

TO BE MEMBERS OF THE EAST TEXAS STATE UNIVERSITY BOARD OF REGENTS:

For a term to expire February 15, 1991:

TED H. PETERS

5401 Vale

Greenville, Texas 75401

(Mr. Peters is replacing Mr. Jeral Jo Crowder of Houston, Harris County, Texas, whose term expired.)

For a term to expire February 15, 1991:

RAYMOND B. CAMERON

301 Lake Terrace

Rockwall, Texas 75087

(Mr. Cameron is replacing Mr. James Harlan Granberry of Lubbock, Lubbock County, Texas, whose term expired.)

For a term to expire February 15, 1991:

LARRY D. FRANKLIN

16451 Lost Cabin

San Antonio, Texas 78232

(Mr. Franklin is replacing Mr. William Garland Button of Dallas, Dallas County, Texas, whose term expired.)

Respectfully submitted,

/s/Mark White
Governor of Texas

**CONCLUSION OF SESSION FOR LOCAL AND UNCONTESTED
BILLS CALENDAR**

The Presiding Officer (Senator Blake in Chair) announced that the session for the consideration of the Local and Uncontested Bills Calendar was concluded.

CONGRATULATORY RESOLUTION

S.R. 280 - By Traeger: Extending congratulations to Clifford and La Delle Stiegler on their 50th wedding anniversary.

ADJOURNMENT

On motion of Senator Brooks, the Senate at 9:57 o'clock a.m. adjourned until 11:00 o'clock a.m. Tuesday, April 9, 1985.

APPENDIX

Sent to Governor
(April 3, 1985)

S.B. 88
S.B. 186
S.B. 232
S.B. 237
S.B. 342
S.B. 822
S.B. 1235
S.C.R. 41
S.C.R. 51
S.C.R. 52
S.C.R. 104

Signed by Governor
(April 3, 1985)

S.B. 34 (Effective September 1, 1985)
S.B. 78 (Effective immediately)
S.B. 106 (Effective immediately)
S.B. 133 (Effective September 1, 1985)
S.B. 137 (Effective August 26, 1985)
S.B. 329 (Effective immediately)
S.B. 380 (Effective August 26, 1985)
S.B. 424 (Effective September 1, 1985)
H.B. 374 (Effective immediately)
S.C.R. 18
S.C.R. 68
S.C.R. 95
S.C.R. 104
H.C.R. 15
H.C.R. 37
H.C.R. 88
H.C.R. 108
H.C.R. 112
H.C.R. 119
H.C.R. 136